

REMARKS

Favorable reconsideration of this application is requested in view of the foregoing amendments and the following remarks. Claims 1-6, 15, and 27 are pending in this application. Claims 28-30 are canceled without prejudice or disclaimer. Claims 7-14, 16-26, and 31-48 were previously canceled without prejudice or disclaimer.

The claims are amended in order to more clearly define the invention, support for which is found in the figures and related parts of the specification. Specifically, support for the recitation in independent claims 1 and 27 of the phrase except when a skip timer is loaded, after the phrase inducing a phase build-out activity, is found in the sentence bridging pages 14-15 of the specification as originally filed (see also the entire paragraph bridging pages 14-15 and the second full paragraph of page 15).

At page 2 of the Action, the Examiner objects to informalities in the specification. The Examiner's careful consideration of the specification is appreciated, and the specification has been amended to obviate the informalities by specifying the current patented status of the priority application.

Accordingly, withdrawal of this objection is respectfully requested.

Claims 1, 6 and 15 stand rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over claim 1 of U.S. Pat. No. 6,765,424. A terminal disclaimer with regard to U.S. Pat. No. 6,765,424 is filed herewith as a separate paper.

Accordingly, withdrawal of this rejection is respectfully requested.

Claims 27-30 stand rejected under 35 USC 112(2) as indefinite. Claims 28-30 are canceled without prejudice or disclaimer. Claim 27 is directed to a computer program for performing the method and, therefore, the method limitations of claim 27 should be given patentable weight because the method is embodied in the code of the program.

Accordingly, withdrawal of this rejection is respectfully requested.

Claims 1-6, 15 and 27-30 stand rejected under 35 USC 102(b) as anticipated by Jones et al. (i.e., U.S. Pat. No. 6,078,595, hereinafter Jones). With regard to the claims as amended, the disclosure of the Jones reference is not sufficient to support this rejection. As noted above, claims 28-30 are canceled without prejudice or disclaimer.

Jones does not disclose or suggest preventing phase build out when a skip timer is loaded. As noted above, both of the independent claims 1 and 27 are amended to recite inducing a phase buildout except when a skip timer is loaded.

Accordingly, withdrawal of this rejection is respectfully requested.

Claims 1-6, 15 and 27-30 stand rejected under 35 USC 102(e) as anticipated by Bertacchini et al. (i.e., U.S. Pat. No. 6,341,149, hereinafter Bertacchini). With regard to the claims as amended, the disclosure of the Bertacchini reference is not sufficient to support this rejection. As previously noted, claims 28-30 are canceled without prejudice or disclaimer.

Bertacchini does not disclose or suggest preventing phase build out when a skip timer is loaded. As previously noted, both of the independent claims 1 and 27 are amended to recite inducing a phase buildout except when a skip timer is loaded.

Accordingly, withdrawal of this rejection is respectfully requested.

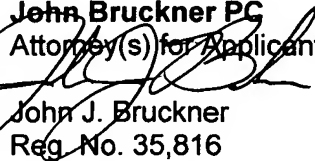
Other than as explicitly set forth above, this reply does not include acquiescence to statements, assertions, assumptions, conclusions, or any combination thereof in the Office Action. In view of the above, all the claims are considered patentable and allowance of all the claims is respectfully requested. The Examiner is invited to telephone the undersigned (at direct line 512-394-0118) for prompt action in the event any issues remain that prevent the allowance of any pending claims.

In accordance with 37 CFR 1.136(a) pertaining to patent application processing fees, Applicant requests an extension of time from October 26, 2004 to November 26, 2004 in which

to respond to the Office Action dated July 26, 2004. A notification of extension of time is filed herewith.

The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-3204 of John Bruckner PC.

Respectfully submitted,

John Bruckner PC
Attorney(s) for Applicant(s)

John J. Bruckner
Reg. No. 35,816

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5708 Back Bay Lane
Austin, TX 78739-1723
Tel. (512) 394-0118
Fax. (512) 394-0119